

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

DELMAR POLSTON

PLAINTIFF

v.

Case No. 3:14-cv-00107-KGB-JTR

MISSISSIPPI COUNTY HEALTH SERVICES, et al.

DEFENDANTS

ORDER

On July 2, 2014, the Court ordered service for defendant Dr. Troxel (Dkt. No. 6). On August 5, 2014, that summons was returned unexecuted (Dkt. No. 10). Accordingly, on September 4, 2014, the Court ordered plaintiff Delmar Polston to provide an alternate address at which Dr. Troxel could be served within 30 days of that Order (Dkt. No. 12). Mr. Polston was cautioned that failure to provide an address would result in the dismissal of all claims against Dr. Troxel pursuant to Federal Rule of Civil Procedure 4(m). Rule 4(m) states:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

More than 30 days have now passed since entry of the Court's Order, and Mr. Polston has not provided an alternate address at which Dr. Troxel may be served. Accordingly, the Court finds it appropriate to dismiss without prejudice defendant Dr. Troxel.

SO ORDERED this the 17th day of December, 2014.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE